

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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BEEF PRODUCTS, INC.,  
BPI TECHNOLOGY, INC. and  
FREEZING MACHINES, INC.,

Plaintiffs,  
v.

AMERICAN BROADCASTING  
COMPANIES, INC., ABC NEWS, INC.,  
DIANE SAWYER, JIM AVILA, DAVID  
KERLEY, GERALD ZIRNSTEIN, CARL  
CUSTER, and KIT FOSHEE,

Defendants.

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Civ. No. 12-4183

ORAL ARGUMENT REQUESTED

**ABC DEFENDANTS' MOTION TO DISMISS  
ALL CLAIMS OF PLAINTIFF BEEF PRODUCTS, INC.**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants American  
Broadcasting Companies, Inc., ABC News, Inc., Diane Sawyer, Jim Avila and  
David Kerley move to dismiss all claims brought against them by Beef Products,  
Inc., for failure to state a claim. The grounds for this Motion are set forth in the  
accompanying memorandum.

Oral argument on this Motion is respectfully requested.

Respectfully submitted,

Kevin T. Baine (*pro hac vice pending*)  
Dane H. Butswinkas (*pro hac vice pending*)  
Carl R. Metz (*pro hac vice pending*)

WILLIAMS & CONNOLLY LLP  
725 Twelfth Street NW  
Washington, D.C. 20005  
Tel: (202) 434-5000  
Fax: (202) 434-5029  
kbaine@wc.com  
dbutswinkas@wc.com  
cmetz@wc.com

JOHNSON, HEIDEPRIEM &  
ABDALLAH, LLP

*/s/ Ronald A. Parsons, Jr.* \_\_\_\_\_

Scott N. Heidepriem  
Ronald A. Parsons, Jr.  
Shannon R. Falon  
101 South Main Avenue  
Suite 100  
Sioux Falls, SD 57104  
Tel: (605) 338-4304  
Fax: (605) 338-4162  
scott@jhalawfirm.com  
ron@jhalawfirm.com  
shannon@jhalawfirm.com

*Attorneys for American Broadcasting  
Companies, Inc., ABC News, Inc., Diane  
Sawyer, Jim Avila, and David Kerley*

Dated: October 31, 2012

**CERTIFICATE OF SERVICE**

On October 31, 2012, the foregoing ABC DEFENDANTS' MOTION TO DISMISS ALL CLAIMS OF PLAINTIFF BEEF PRODUCTS, INC., was filed electronically. Copies of the foregoing document will be served on all counsel of record by operation of the Court's CM/ECF filing system.

*/s/ Ronald A. Parsons Jr.* \_\_\_\_\_

Ronald A. Parsons, Jr.